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U.S. BANKRUPTCY COURT
ALBUQUERQUE, N.M.

Attorneys for City of Wichita Falls,
Wichita Falls Independent School District, and
Wichita County

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW MEXICO
ALBUQUERQUE DIVISION**

IN RE: §
§
FURR'S SUPERMARKETS, INC., § **CASE NO. 01-10779-SA**
§ **CHAPTER 11**
DEBTOR. §

**LIMITED OBJECTION TO DEBTOR'S MOTION FOR ORDER APPROVING
SALE OF SOME OR ALL OF DEBTOR'S OPERATING ASSETS
AND REQUEST FOR ADEQUATE PROTECTION**

The City of Wichita Falls, the Wichita Falls Independent School District, and Wichita County (referred to below as "Tax Units") object to the sale of the property described in Debtor's Application to Sell Property of the Estate because the terms of the proposed sale do not provide adequate protection for Tax Units' tax lien interests in the property. In support of this objection Tax Units show:

1. Tax Units have liens on part of the property that is subject to Debtor's motion to sell. Tax Units' liens were created by Section 32.01 of the Texas Property Tax Code and are superior to the liens of all creditors including other secured creditors whose liens attached prior to the tax liens under Section 32.05 of the Texas Property Tax Code.
2. The taxes secured by Tax Units' tax liens are for the years 2000 and 2001. The amount of the taxes penalties and interest secured by the tax liens is \$10,601.08 as shown in the attached tax statement. The tax liens attached to the property on January 1st of each year. The 2001 year taxes have not been billed but are estimated to be in the amounts shown in the attached tax statement.
3. The property on which Tax Units' have tax liens is identified in Exhibit 1 of Debtor's motion as "PARCEL #21710030100" and is further described as Lot 2, Block 3, Lynwood West 3, an addition to the City of Wichita Falls, Wichita County, Texas.

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RELIEF REQUESTED

Under Section 363(e) of the Bankruptcy Code, Tax Units request that the Court condition any sale of the property so that:

- a. The 2000 taxes, penalties, and interest secured by Tax Units' tax liens are paid out of the proceeds of the sale at the time of the sale, and
- b. The property be sold subject to the tax liens securing the 2001 taxes and any penalties and interest that might accrue if the 2001 taxes are not paid before delinquency,

Tax Units also request any other relief that they may be entitled in law or equity.

Respectfully submitted,
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By: 
Harold Lerew

Attorneys for Tax Units

CERTIFICATE OF SERVICE

I certify that on the 15th day of June, 2001, true and correct copies of the foregoing were delivered by United States first class mail postage prepaid to the persons at the addresses shown below:

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Harold Lerew

D E L I N Q U E N T T A X S T A T E M E N T

WICHITA COUNTY TAX ASSESSOR-COLLECTOR
P O BOX 1471
WICHITA FALLS, TX 76307

ACCOUNT NO 18992

FURR'S SUPERMARKETS INC
1915 LOOP 11

WICHITA FALLS

TX 76301-0000

LEGAL DESCRIPTION	YEAR	AMOUNT	PEN & INT	TOTAL
LOT 2 BL 3 LYNWOOD WEST 3 21710030100				
	2000	1,134.81	79.44	1,214.25
	2001	1,135.00	.00	1,135.00
TOTAL TAXES DUE FOR CITY OF WICHITA FALLS				2,349.25
	2000	3,173.69	222.16	3,395.85
	2001	3,174.00	.00	3,174.00
TOTAL TAXES DUE FOR WICHITA FALLS INDEPENDENT SCHOOL DISTRICT				6,569.85
	2000	812.13	56.85	868.98
	2001	813.00	.00	813.00
TOTAL TAXES DUE FOR WICHITA COUNTY				1,681.98
TOTAL DUE IF PAID IN FEB 2001 \$				10,601.08